

**STATE OF INDIANA – COUNTY OF MORGAN
IN THE MORGAN CIRCUIT AND SUPERIOR COURTS**

*Notice of Proposed Amendments to Local Rules
Of Practice and Procedure
To Become Effective on January 1, 2009*

In accordance with the authority granted under the Rule 81(A) of the Indiana Rules of Trial Procedure, the Morgan Circuit and Superior Courts hereby give notice to the Bar and the Public that the Courts propose to **amend the Local Rules of Practice and Procedure, to become effective on January 1, 2009.**

The following amendments are proposed:

1. Local Rule LR55-AR15-1.2.5 (Court Reporter Services, Schedule of Fees) is **amended** to increase the per-page cost of appeal, non-appeal and non-appeal expedited transcripts by \$0.50 per page, effective January 1, 2009.
2. Local Rule LR55-PR00-13 (**new local rule**) is added to state that a separate case file shall be opened for each person subject to an adoption.
3. Local Rule LR55-AR00-5 (**new local rule**) incorporates the fee schedule for Adult and Juvenile Probation and Community Corrections services adopted by the Morgan Circuit and Superior Courts in the Administrative Order Establishing Fees For Morgan County Court Services (issued 9-12-2006), with minor changes to the text of the original schedule.
4. Appendix 1 (Order re: Selection of Special Judges, issued 10-1-1995) is now incorporated into LR55-AR79 (**new local rule**), with no substantive changes to the procedure.
5. Appendix 2 (Order re: Children Cope with Divorce Seminar, issued 9-23-2005) is now incorporated into LR55-FL-00-10 (**new local rule**), with amendments as noted.
6. Appendix 3: (Order Re: Public Restitution Program, issued 4-4-2002) is now incorporated into LR55-CR00-17 (**new local rule**), with amendments as noted.
7. Appendix 4 (Order Prohibiting Video, Photographic and Audio Recording Devices, issued 11-9-2001) is now incorporated into LR55-AR00-4 (**new local rule**), with amendments as noted.
8. Appendix 5 (Indigent Defendant Public Defender Services Fee, issued 8-29-2001), is deleted, and LR55-CR00-3 (existing local rule) is **amended** to establish procedure for reimbursement of public defender costs by defendants in certain cases.
9. Appendix 6 (Order re: Form of Return on Service of Process, issued 5-15-2006) is now incorporated into LR55-AR00-3 (**new local rule**), with amendments as noted.
10. Appendix 7 (Administrative Order re: Filing for Divorce without and attorney, issued 5-4-2006) is **amended** to become an *Informational Notice* (with changes noted) rather than an Order, is not a local rule, and is re-numbered and attached to the Local Rules as Appendix 1.

11. Appendix 8 (Order re: Filing of Protective Orders, issued 7-1-2006) is deleted, and LR55-AR00-1.3 (Case Allocation Plan re: Protective Orders) is **amended**, as noted.
12. Appendix 9 (Order Designating Judge to serve as Judge in Morgan Circuit and Superior Courts, issued 1-4-2001) is deleted, and is now incorporated into LR55AR00-2 (**new local rule**), with amendments as noted.

Within the proposed amendments, new text is denoted by underlining and deleted text is denoted by ~~strike through~~.

In accordance with Trial Rule 81(D), the time period for the Bar and the Public to comment shall **begin on June 1, 2008** and shall **close on July 1, 2008**. The proposed amendment to the rules will be adopted, modified or rejected by July 31, 2008. Any rules requiring Indiana Supreme Court approval will be submitted to the Indiana Supreme Court for review and approval by August 1, 2008.

Comments by the Bar and the Public should be made in writing and mailed to:

Judge Christopher L. Burnham
Attn: Public Comment on Local Rules
Morgan Superior Court 2
P.O. Box 1556
Martinsville, IN 46151

A paper copy of the proposed amendments to the Local Rules will be made available for viewing in the office of the Clerk of the Morgan County, Courthouse, 10 E. Washington Street, Martinsville, Indiana during normal business hours. **Persons with Internet access may view the proposed Local Rules of Practice and Procedure online at the following websites:**

<http://www.scican.net/~morgansup2/2009amendments.pdf>

or

<http://www.in.gov/judiciary/morgan/>

Permanent Pro Tem Judge Brian Williams
Morgan Circuit Court

Judge Christopher L. Burnham
Morgan Superior Court 2

Judge G. Thomas Gray
Morgan Superior Court 1

Judge Jane Spencer Craney
Morgan Superior Court 3

Rule LR55-AR15-1.____. Court Reporter Services

* * * *

1.2. SALARIES AND SCHEDULE OF FEES.

* * * *

1.2.5. The maximum fees that a court reporter may charge for the preparation of a transcript shall be as stated in the following schedule of fees:

SCHEDULE OF FEES:

Appeal Transcript	\$ 4.50 <u>5.00</u> per page
Non-Appeal Transcript	\$ 4.00 <u>4.50</u> per page
Non-Appeal Expedited Transcript (0-14 days)	\$ 6.00 <u>6.50</u> per page
Charge for Certification Page	\$ 10.00
Binding Transcript	Billed an hourly charge at 100% of court reporter's hourly wage then in effect.
Copy Fee for Transcript	\$ 1.50 per page
* Preparation of any tape/CD copies of any hearing/trial [* Note: a tape or CD copy of any hearing or trial is not the official or certified record of the proceeding, and cannot be designated or used as such]	Minimum labor charge of \$25.00 for the first hour of labor, then 100% of the Court Reporter's hourly pay rate, then in effect, for each hour of labor beyond the first hour, plus the actual cost of any supplies, tapes or CDs utilized.

The court reporter shall submit a claim directly to the county for the preparation of any county or state indigent transcripts.

* * * *

LR55-PR00-13: Adoptions

Filing: A separate file shall be opened for each person that is to be subject to an adoption. The Court may waive filing fees for the second and subsequent files for related persons upon written request.

~~IN RE: ADMINISTRATIVE ORDERS
ESTABLISHING FEES FOR MORGAN COUNTY COURT SERVICES~~

~~———— The Judges of the Morgan Circuit and Superior Courts hereby approve the following schedule of fees for the Morgan County Court Services, effective immediately and thereafter until further amendment:~~

LR55-AR00-5: PROBATION AND COMMUNITY CORRECTIONS FEE SCHEDULE

The following fee schedule applies to all adult and juvenile probation services and community corrections services ordered by the Morgan Circuit and Superior Courts:

SERVICE:	AMOUNT OF FEE:
Adult Administrative Fee-Felony	\$ 100.00
Adult Administrative Fee-Misdemeanor	\$ 50.00
Adult-Felony Initial Probation User Fee	\$ 100.00
Adult-Misdemeanor Initial Probation User Fee	\$ 50.00
Adult-Felony Monthly Probation User Fee	\$ 30.00 <u>per month</u>
Adult-Misdemeanor Monthly Probation User Fee	\$ 20.00 <u>per month</u>
Pretrial <u>Supervision</u> Service Administrative Fee	\$ 100.00
Pretrial <u>Supervision</u> Service Initial Fee	\$ 25.00 to \$100.00
Pretrial <u>Supervision</u> Service Monthly Fee	\$ 15.00 to \$ 30.00 <u>per month</u>
Juvenile Administrative Fee-Formal Supervision	\$ 100.00
Juvenile Initial Probation User Fee	\$ 25.00 to 100.00
Juvenile Monthly Probation User Fee	\$ 10.00 to \$25.00 <u>per month</u>
Court Alcohol and Drug Program Fee	\$ 225.00 to \$ 400.00
Court Alcohol and Drug Program Transfer Fee	\$ 10.00 to \$ 100.00
Drug <u>Testing Screen</u> Fee	\$ 25.00 <u>per test</u>
Awareness Program Fee	\$ 10.00
Adult-Initial Home Detention <u>Connection</u> Fee	\$ 25.00
Adult-Daily Home Detention Fee	\$ 7.00 to \$50.00 <u>per day</u>
Juvenile-Initial Home Detention <u>Connection</u> Fee	\$ 15.00
Juvenile-Daily Home Detention Fee	\$ 5.00 to \$10.00 <u>per day</u>
<u>Intrastate</u> Transfer Home Detention Fee	\$ 50.00
Interstate Compact <u>Transfer</u> Application Fee	\$ 75.00

~~It is therefore ordered, adjudged and decreed that the Morgan County Court Services be authorized to charge the foregoing fees commencing immediately. SO FOUND AND ORDERED THIS 12TH DAY OF SEPTEMBER 2006.~~

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT NO. 1~~
~~CASE NO. 55C01-9501-MI-1~~ ~~CASE NO. 55D01-9501-MI-1~~

~~MORGAN SUPERIOR COURT NO. 2~~ ~~MORGAN SUPERIOR COURT NO. 3~~
~~CASE NO. 55D02-9501-MI-1~~ ~~CASE NO. 55E01-9501-MI-1~~

~~IN RE ADMINISTRATIVE ORDERS~~

~~ORDER PUBLISHING LOCAL RULE UNDER TRIAL RULE 79(H)~~
~~SELECTION OF SPECIAL JUDGES~~

~~The Judges of the Circuit and Superior Courts in Morgan, Boone, Hendricks, Johnson, Shelby, Hancock and Hamilton Counties having forwarded for approval by the Indiana Supreme Court local rules for the assignment of Special Judges in accordance with Trial Rule 79(H); and~~

~~The Indiana Supreme Court, by Order issued September 30, 1995, having approved the "Coordinated Local Rule of the Counties of: Boone, Hendricks, Morgan, Johnson, Shelby, Hancock and Hamilton Enacted in Compliance with Trial Rule 79(H)," to become effective October 1, 1995:~~

~~IT IS ORDERED that the "Local Rules for Selection of Special Judges in the Morgan County Circuit and Superior Courts," attached hereto and incorporated herein, are hereby approved, adopted and enacted, effective OCTOBER 1, 1995.~~

~~IT IS FURTHER ORDERED that the Clerk of Morgan County shall enter this Order in the Records of Judgments and Orders of each Court, shall post this Order in the Office of the Clerk of Morgan County, and shall forward a copy to the President, Morgan County Bar Association for further distribution.~~

LR55-AR79: LOCAL RULES FOR SELECTION OF SPECIAL JUDGES IN THE
MORGAN COUNTY CIRCUIT AND SUPERIOR COURTS

~~RULE 1—AUTHORITY;~~

The procedure for selection of a Special Judge in cases before the Morgan Circuit and Superior Courts ~~These rules are hereby~~ is promulgated pursuant to the authority of the Indiana Rules of Trial Procedure, ~~Trial Rule 79,~~ and Indiana Supreme Court Order issued September 30, 1995, "Coordinated Local Rule of the Counties of: Boone, Hendricks, Morgan, Johnson, Shelby, Hancock and Hamilton Enacted in Compliance with Trial Rule 79(H)."

~~RULE 2—CASE APPOINTMENT:~~

- (A) The parties may agree, in writing, to a particular special judge. If no agreement, or that judge fails to accept the appointment, then
- (B) The parties may agree, in writing, to the appointment of a special judge by the regular judge of the court where the case is pending. If no agreement, or that judge fails to accept the appointment, then
- (C) The regular judge of the court where the case is pending shall name a panel consisting of the other regular judges and magistrates in Morgan County. If no selection is made under this subsection, or that judge fails to accept the appointment, then
- (D) The regular judge of the court where the case is pending shall appoint a special judge, on a rotating basis, from a list of the judges and magistrates in the Circuit and Superior Courts of Hendricks and Johnson Counties.
- (E) If a special judge is not selected using the procedure set out in Trial Rule 79, then the regular judge of the court where the case is pending shall certify the same to the Indiana Supreme Court for appointment of a special judge.

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 2~~
~~CASE NO: 55C01-0509-MI-1~~ ~~CASE NO: 55D02-0509-MI-1~~

~~MORGAN SUPERIOR COURT 1~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO: 55D01-0509-MI-1~~ ~~CASE NO: 55D03-0509-MI-1~~

~~IN RE: ADMINISTRATIVE ORDERS~~

~~LR55-FL00-10: STANDING ORDER TO ATTEND "CHILDREN COPE WITH
DIVORCE" SEMINAR~~

The Circuit and Superior Courts of Morgan County, having jurisdiction in dissolution of marriage cases and exercising their inherent authority to order conciliation procedures and related services, find that it would be in the best interest of minor child or children of the parties to encourage conciliation and cooperation between divorcing parents and their children. The courts further find that the "Children Cope With Divorce" Seminar will:

- 1) Aid the parents in custody, support, and visitation decisions;
- 2) Aid the Courts in maximizing the use of the Courts' time; and
- 3) Encourage agreements between the parties concerning matters related to and affecting their children.

IT IS THEREFORE ORDERED that ~~Therefore, the courts of Morgan County order both~~ parents of any children of the marriage under the age of eighteen years, in any ~~Dissolution of Marriage or Legal Separation case filed in the Morgan Circuit or Superior~~ Courts in which there are minor children to ~~shall~~ attend the seminar entitled "Children Cope With Divorce" sponsored by the Visiting Nurse Service. Attendance is mandatory for all parents in such cases filed on or after August 10, 1992 if there are children under 18 years of age. Both parents must complete the ~~The seminar four hour course must be completed by both parents within 60 days after the date of filing of the petition for dissolution of marriage or legal separation. of receipt of this Order, and the parents shall pay the costs of this program, which is \$45 per person (effective October 1, 2005). Each parent shall schedule their own attendance at the seminar and each parent shall pay their own fee to attend the seminar.~~

Information regarding seminar schedules, locations, and costs can be accessed online at the following web address: <http://www.vnsi.org/programs.htm#divorce> or by calling the Visiting Nurse Service at 317-722-8201 or toll free at 1-877-840-2673

~~IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parties in this case shall register for said seminar as instructed in a brochure to be attached to a copy of this Order and served upon the parties herein. Registration shall be made within 15 days of notice of this Order.~~

DRAFT VERSION – FOR PUBLIC COMMENT

Failure of a parent to register for and complete the seminar could result in the a parent ~~party~~ having to appear in court to show cause why he/she should not be punished for contempt of court orders, held in contempt of court and may result in delay of the final resolution of the dissolution of marriage or legal separation. ~~this case.~~

~~The Sheriff of Morgan County is ordered to serve notice of this Order on the Respondent when the Petition for Dissolution is served and make return thereon.~~

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 2~~
~~CASE NO: 55CO1-0101 MI-1~~ ~~CASE NO: 55D02-0101 MI-1~~

~~MORGAN SUPERIOR COURT 1~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO: 53D01-0101 MI-1~~ ~~CASE NO: 55D03-0101 MI-1~~

~~IN RE: ADMINISTRATIVE ORDERS~~

~~LR55-CR00-17: REVISED ORDER RE: PUBLIC RESTITUTION PROGRAM PARTICIPATION~~

~~WHEREAS the Circuit, Superior and County Courts of Morgan County issued an "Order Re: Public Restitution Program Participation" on June 4, 1992; and on June 10, 1999 said order was revised;~~

~~WHEREAS said Order was revised to reflect the fact that persons sentenced to commitment in the Indiana Department of Correction are not entitled to participation in the local Community corrections Public Restitution program after the date of their sentence.~~

~~IT IS ORDERED that effective upon the date of this Revised Order, the following rules and guidelines concerning the Public Restitution Program, and credit participation therein, are revised and enacted as follows:~~

The Circuit, Superior and County Courts of Morgan County issued an "Order Re: Public Restitution Program Participation" on June 4, 1992; and on June 10, 1999 said order was revised. The Order was revised to reflect the fact that persons sentenced to commitment in the Indiana Department of Correction are not entitled to participation in the local Community corrections Public Restitution program after the date of their sentence. The following rules and guidelines concerning the Public Restitution Program, and credit participation therein, are revised and enacted as follows

17.1 ~~4)~~ Persons sentenced to commitment in the Morgan County Jail for Class A, B and C Misdemeanors, non-violent Class D Felonies, and non-violent Class C Felonies may voluntarily participate in the Public Restitution Program, with the approval of the Community Corrections Officer and the Morgan County Sheriff.

(a) Each person who successfully completes the Public Restitution Program participation shall receive 1 day of credit time against their sentence for each week worked, in addition to any other credit time earned by the law.

(b) Each person who successfully completes duties as a Trusty of the Morgan County Jail shall receive 1 day of credit time for each week worked, in addition to any other credit time earned by law.

DRAFT VERSION – FOR PUBLIC COMMENT

(c) Persons successfully completing exemplary projects may be awarded additional credit time in the amount of 1 day for each week worked, within the discretion of the Community Corrections Officer.

17.2 2) Persons sentenced to commitment to ~~in~~ the Indiana Department of Correction and awaiting admission and transfer to a Department of Correction facility are not permitted to participate in the Public Restitution Program.

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 1~~
~~CASE NO. 5SC01-0101-MI-1~~ ~~CASE NO. 55D01-0101-MI-1~~

~~MORGAN SUPERIOR COURT 2~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO. 5SD02-0101-MI-1~~ ~~CASE NO. 55D03-0101-MI-1~~

~~IN RE ADMINISTRATIVE ORDERS:~~

~~ORDER PROHIBITING VIDEO, PHOTOGRAPHIC AND AUDIO RECORDING
DEVICES IN ANY COURTROOMS, COURT OFFICES AND AREAS
IMMEDIATELY ADJACENT THERETO, AND UPON THE ENTIRE SECOND
FLOOR OF THE MORGAN COUNTY COURTHOUSE~~

LR55-AR00-4. Video/Audio Recording and Photography Prohibited

~~WHEREAS, The Indiana Code of Judicial Conduct, Canon 3(B)(13), promulgated by the~~
~~Indiana Supreme Court~~ directs that a Judge shall prohibit broadcasting, television,
recording or the taking of photographs in the courtroom and areas immediately adjacent
thereto during session of court or recesses between sessions.

~~IT IS THEREFORE ORDERED that, effective immediately and until further order of the~~
~~Courts,~~ The use of any video, photographic or audio recording device is prohibited in:

1. Any courtroom (Circuit Court, Superior Courts 1, 2 and 3 and Magistrate Court) within the confines of the Morgan County Courthouse;
2. Any office spaces or jury rooms of the Circuit Court, Superior Courts 1, 2 and 3 and Magistrate Court;
3. Any areas immediately adjacent to the courtrooms, office spaces or jury rooms of the Circuit Court, Superior Courts 1, 2 and 3 and the Magistrate Court; and
4. Given the congestion of the hallway on the second floor of the courthouse and the proximity of courtrooms, court office spaces and jury rooms of the Circuit Court, Superior Courts 1 and 3 upon the second floor of the Courthouse to said hallway, any hallway upon the second floor of the Morgan County Courthouse.

~~IT IS FURTHER ORDERED that~~ Persons violating the terms of this Rule Order are subject to immediate attachment and punishment for direct contempt of Court orders.

~~IT IS FURTHER ORDERED that~~ The Courthouse Security Officer shall post appropriate notices to the public in the Morgan County Courthouse public hallways and entrances consistent with the directives of this Rule order.

DRAFT VERSION – FOR PUBLIC COMMENT

LR55-CR00-3____. Appointed Counsel

3.1 A defendant, who is requests court-appointed counsel is entitled a hearing. If the Court finds, after hearing, that the defendant is indigent, the Court may appoint pauper counsel to represent the defendant.

3.2 Appointed counsel shall represent the defendant after appointment unless relieved by the court upon written motion.

3.3 The court, in its discretion, may substitute one appointed counsel for another at any stage of the proceedings to prevent a failure of justice.

3.4 Notwithstanding the provisions of this rule, the court may appoint counsel for any person at any stage of any proceedings to prevent a failure of justice.

3.5 The Circuit and Superior Courts shall assess an indigent defendant public defender services fee as authorized by I.C. 35-33-7-6 in all adult criminal cases in which the defendant is assigned indigent counsel, and if the Court finds that the person is able to pay part of the cost of representation by assigned counsel. The fee assessed and ordered payable by the defendant shall be:

For Felony actions (MR, FA, FB, FC, FD, CF, DF): Not more than the per-case contract amount paid by Morgan County to the assigned public defender.

For Misdemeanor actions (CM): Not more than the per-case contract amount paid by Morgan County to the assigned public defender.

The Clerk of Court shall deposit fees collected under this statute in the Morgan County Supplemental Public Defender Services Fund established under I.C. 33-9-11.5-1.

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 2~~
~~CASE NO: 55C01-0601-MI-1~~ ~~CASE NO: 55D02-0601-MI-1~~

~~MORGAN SUPERIOR COURT 1~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO: 55D01-0601-MI-1~~ ~~CASE NO: 55D03-0601-MI-1~~

~~IN RE: ADMINISTRATIVE ORDERS~~

~~ORDER RE: FORM OF RETURN ON SERVICE OF PROCESS~~

LR55-AR00-3. Form of Return on Service of Process

~~In order~~ To provide for a uniform method ~~means~~ for return of process which provides the Courts and the litigants with unequivocal information regarding the method of service of process in all suits pending before the Courts and specific information as to whether or not service in a given case complies with Trial Rule 4 of the Indiana Rules of Trial Procedure, ~~IT IS HEREBY ORDERED that effective on the date of the Order,~~ all persons ~~practicing in the above courts~~ shall, when requesting service of any pleading, order, notice or subpoena, prepare a return of service of process in the format by which is set forth below, or in the alternative a form for return of service of process which contains spaces for substantially the same information regarding service, ~~as attached and~~ This form may be attached as a separate sheet of paper to the document to be served, or may be reproduced on the back of the last page of the documents to be served.

~~IT IS FURTHER ORDERED, that the Clerk of Morgan County shall enter this Order in the Records of Judgments and Orders of each Court, shall post this Order in the Office of the Clerk of Morgan County, and shall distribute this Order to the Sheriff of Morgan County.~~

SAMPLE FORM

STATE OF INDIANA - COUNTY OF MORGAN
MORGAN _____ COURT

CASE NUMBER: _____

RETURN OF SERVICE

The undersigned certifies that a copy of this Order has been served:

☐ By delivering a copy of this order personally to the person to be served on the ____ day of _____, 20__ at _____ a.m./p.m.

The address of the person served is:

☐ as stated on the face of the order

☐ at _____

☐ By leaving a copy of the order with a person of suitable age and discretion, said person being _____, located at the dwelling house or usual place of abode of the person to be served. Residence was verified by:

DRAFT VERSION – FOR PUBLIC COMMENT

☐ In addition, A COPY OF THE ORDER WAS MAILED ON THE _____ day of _____, 20____.

☐ to the address stated on the face of the order

☐ to _____

☐ By leaving a copy of the order at the dwelling house or usual place of abode of the person to be served. Residency was verified by _____, and copy was left on the _____ day of _____, 20____.

☐ In addition, A COPY OF THE ORDER WAS MAILED ON THE _____ day of _____, 20____.

☐ to the address stated on the face of the order

☐ to _____

☐ The undersigned certifies to the Court that this Order has not been served because:

☐ the person to be served no longer lives in Morgan County, with a new address at: _____

☐ the person to be served cannot be located in Morgan County.

_____, SHERIFF
By: _____

For use by person who completed service by mailing, if different than process server making return above.

☐ I certify that I mailed a copy of the above order to the person to be served, first class mail on the _____ day of _____, 20____

☐ or at the address stated on the face of the document.

_____, SHERIFF
By: _____

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 2~~
~~CASE NO: 55C01-0601-MI-1~~ ~~CASE NO: 55D02-0601-MI-1~~

~~MORGAN SUPERIOR COURT 1~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO: 55D01-0601-MI-1~~ ~~CASE NO: 55D03-0601-MI-1~~

~~IN RE: ADMINISTRATIVE ORDERS~~

INFORMATIONAL NOTICE TO PERSONS
FILING FOR DIVORCE WITHOUT AN ATTORNEY

In Morgan County, you have the right to file for a divorce without hiring an attorney. You should be aware, however, that the Clerk's office, Court staff and the judge cannot and will not give you legal help or advice regarding how to file and prepare your case. If you file without an attorney, you will still be held to the same standards as an actual attorney. Therefore, the following rules must be followed:

1. You must file a petition for divorce called a "Petition for Dissolution of Marriage" which meets all of the requirements found in Title 31 of the Indiana Code. Any petition that does not meet the requirements will be dismissed.

(a) You may be able to find a copy of the Indiana Code at the Morgan County library or on the Internet. Some web sites that may be helpful to you include:

- (1) <http://www.in.gov/judiciary/supreme>
- (2) <http://www.state.in.us/legislative/ic/code/>
- (3) <http://www.in.gov/judiciary>

(b) If you have children from this marriage, you must fill out and file your "Child Support Information Sheet" and "Child Support Obligation Worksheet", when you file your "Petition for Dissolution of Marriage". A child support calculator can also be found [online](http://www.in.gov/judiciary/childsupport/) at <http://www.in.gov/judiciary/childsupport/>.

2. You must correctly and completely file with your "Petition" a "Summons".

(a) A "Summons" is a form that informs your spouse that you have filed for divorce. The "Summons" form may be picked up at the Clerk's office in the courthouse.

(b) The "Summons" will be served on your spouse, in person or by mail, informing your spouse you have filed for divorce.

(c) Your spouse may be served either by certified mail or the sheriff. For service by certified mail you must provide the correct address of your

DRAFT VERSION – FOR PUBLIC COMMENT

spouse. (No P.O. Box) For service by the sheriff, you must provide the proper address and county in which your spouse lives.

3. You have the right to ask the Court for a "Temporary Order" regarding custody of children, visitation, possession of property, payment of debts, spousal maintenance, restraining orders and child support while you wait for your divorce to be finalized. You must request a hearing in writing if you intend to seek any type of "Temporary Order". This hearing will not be automatically set.

4. The filing of a "Petition" does not mean that you are divorced. In order to get a "Final Dissolution Decree", after sixty (60) days of filing your "Petition of Marriage", you must do one of the following:

(a) In writing, request a "Final Hearing" and then appear on that date. A hearing is not automatically set.

-OR-

(b) If you agree on how to split everything from your marriage (for example: both of you agree on how to split all money, property, child custody, etc.), no hearing will be necessary if the judge approves your "Final Dissolution Decree". You must prepare and give to the court a "Final Dissolution Decree" that sets out all of your agreements regarding property, child custody and support. Therefore, if you have no contested issues you should prepare and file the following:

(1) A "Waiver of Final Hearing", which needs to be signed and notarized or attested to by you your spouse.

(2) A proposed "Final Dissolution Decree" setting out the agreements regarding money, property, child custody, etc., to which you have both agreed.

(3) If you have children from the marriage, a "Child Support Information Sheet", "Child Support Obligation Worksheet" and "Children Cope With Divorce" certificates.

5. If you have children from your marriage:

(a) You must fill out and follow the Child Support Guidelines attached to this packet. The "Child Support Information Sheet" and "Child Support Obligation Worksheet" must be filed with your initial "Petition" as well as your "Final Dissolution Decree".

(b) If your children are under eighteen (18) years old at the time of filing your "Petition", both you and your spouse must attend the "Children Cope

With Divorce" program. ~~(see attached)~~ Once you both complete the course, you must both file certificates of completion with the Court before a final hearing will be set.

6. If you and your spouse cannot agree and decide to have a "Final Hearing":

(a) You should appear at Court with all of your evidence and witnesses, and check in with the Court staff.

(b) At the "Final Hearing" the Judge will place all witnesses under oath, and you must then present the evidence required in Title 31 to receive a "Final Dissolution Decree". You will be your own attorney, and must present your own evidence and question your own witnesses. If you fail to present the necessary evidence, your divorce may ~~will~~ not be granted, and the hearing will be continued for you to hire an attorney. If, at the second hearing, you again fail to present the required statutory evidence, your "Petition" may ~~will~~ be dismissed.

(c) You should prepare and give to the Court a proposed "Decree of Dissolution of Marriage", that states what you want the Court to agree to at the "Final Hearing." ~~(4)~~ The Court may use all, some or none of your "Decree" when issuing the ~~making its~~ "Final Dissolution Decree".

7. If you or your spouse are incarcerated at the time of the "Final Hearing", the Court will not assist you or your spouse in appearing at the hearing unless a written request for a transport order to attend the hearing is received by the Court at least fourteen (14) days prior to the final hearing date. If either of you fail to appear for the "Final Hearing", a divorce may still be granted if the party that appears presents the Title 31 statutory evidence.

8. Once you receive a ~~signed~~ "Final Dissolution Decree" signed by the judge, your divorce is final.

9. If you require legal assistance, but cannot afford an attorney, you may wish to contact the following sources:

- (a) Morgan County Bar Association
- (b) Legal Services Organization
- (c) Community Legal Clinic

~~THE COURTS DO NOT VOUCH FOR THE ACCURACY OF ANY OF THE INFORMATION OBTAINED FROM ANY OF THESE SOURCES~~

~~Attachments: Morgan County Visitation Guidelines, "Children Cope With Divorce" Information, Clerk's Child Support Information Sheet, Child Support Worksheet, State of Indiana Guideline, Schedules for Weekly Support Payments~~

DRAFT VERSION – FOR PUBLIC COMMENT

LR55-AR00-1____. Filing and Assignment of Civil and Juvenile Cases to Courts – Case Allocation Plan

* * *

1.3 Protective Orders (PO).

See Appendix 8: “~~Order Re: Filing of Protective Orders,~~” effective July 1, 2006.

All petitions for protective orders shall be filed in the Morgan Circuit and Superior Courts as follows:

<u>Superior Court III</u>	<u>(1st Quarter of calendar year)</u>
<u>Superior Court II</u>	<u>(2nd Quarter of calendar year)</u>
<u>Superior Court I</u>	<u>(3rd Quarter of calendar year)</u>
<u>Circuit Court</u>	<u>(4th Quarter of calendar year)</u>

Notwithstanding this quarterly case filing schedule, a petition for a protective order shall be filed in the same Court where a case involving the same parties is already pending or to be filed. For example, any petition for a protective order that involves the same parties to a divorce proceeding already pending, or to be filed, shall be filed in the Court where the divorce proceeding is pending or to be filed. Further, any petition for a protective order that relates to a party or child in a CHINS, Guardianship, or Delinquency case shall be filed in the Court where that case is pending or is to be filed.

~~MORGAN CIRCUIT COURT~~ ~~MORGAN SUPERIOR COURT 2~~
~~CASE NO: 55C01-0101-MI-1~~ ~~CASE NO: 55D02-0101-MI-1~~

~~MORGAN SUPERIOR COURT 1~~ ~~MORGAN SUPERIOR COURT 3~~
~~CASE NO: 55D01-0101-MI-1~~ ~~CASE NO: 55D03-0101-MI-1~~

~~IN RE ADMINISTRATIVE ORDERS:~~

~~ORDER DESIGNATING THE JUDGE OF MORGAN CIRCUIT, SUPERIOR COURT NO. 1, SUPERIOR COURT NO. 2, SUPERIOR COURT NO. 3, TO SERVE AS JUDGE IN ANY OF THE MORGAN CIRCUIT AND SUPERIOR COURTS~~

~~The Judge of Morgan Circuit, Superior Court No. 1, Superior Court No. 2, and Superior Court No. 3, shall be authorized to sit as judge of any of the Morgan Circuit or Superior Courts, with the court's permission, in all matters pending before said Morgan Circuit and Superior Courts without limitation and without any further order, in the same manner and stead as if he or she was a judge of said Morgan County Circuit and Superior Courts, with all the rights and powers as if he or she was a duly elected judge of said court.~~

LR55-AR00-2. Authority of Judge to Sit as Judge of Circuit or Superior Court

Under the authority of Indiana Code 33-29-1-10, the judge of the Morgan Circuit Court may, with the consent of the judge of a Morgan Superior Court, sit as a judge of that Morgan Superior Court in any matter as if the Circuit Court judge were an elected judge of the Morgan Superior Court. The judge of a Morgan Superior Court may, with the consent of the Judge of the Morgan Circuit, sit as the judge of the Morgan Circuit Court in any matter as if the judge of the Morgan Superior Court were the elected judge of the Morgan Circuit Court.